



**COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Metropolitan Boston - Northeast Regional Office**

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Governor

**JANE SWIFT**  
Lieutenant Governor



SEMS DocID

**594215**

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Secretary

**LAUREN LISS**  
Commissioner

**MAY 25 1999**

**URGENT LEGAL MATTER: PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

American Glue and Resin, Inc.  
c/o Ms. Patricia Auterio  
5 Marshall Road  
Stoneham, MA 02180

**RE: MIDDLETON - American Glue and Resin**  
40 School Street  
DEP RTN # 3-0168

**NOTICE OF RESPONSE ACTION**

Dear Ms. Auterio:

The Department of Environmental Protection (DEP) has determined that actions to respond to releases of oil and hazardous material at the above-referenced site must proceed without delay. This notice provides you an opportunity to take actions before DEP does so. Unless you promptly reply to this notice, DEP will prepare to take the actions described below on or after June 7, 1999. Massachusetts General Law Chapter 21E, Section 4 authorizes DEP to take such response actions and, when time allows, requires DEP to notify you of its intent to take such actions.

DEP previously informed you of your potential liability for this release and requested that you take actions in Notices of Responsibility dated December 29, 1986 and August 16, 1994. To date, not all of the necessary response actions have been completed.

**RESPONSE ACTIONS DEP INTENDS TO TAKE**

Beginning on or after June 7, 1999, DEP will initiate steps to assign a contractor to carry out the following response actions (the Response Actions):

1. The performance of a comprehensive groundwater sampling round. The sampling is necessary to: 1) confirm the direction of groundwater flow and delineate the extent of the existing shallow groundwater plume, and 2) obtain more recent bedrock groundwater contaminant concentration data which will provide information regarding the potential for downgradient private drinking water wells to be impacted by historical releases.

2. The performance of a limited soil gas survey in the vicinity of the residence at 34 School Street to determine if there is the potential for partitioning of volatile organic compounds from groundwater into indoor air.

DEP requires that the aforementioned site assessment activities be completed no later than June 30, 1999.

**INTERIM DEADLINE FOR NOTIFICATION OF YOUR INTENT  
TO CONDUCT RESPONSE ACTIONS**

If you choose to perform the Response Actions described above in lieu of DEP, you must provide to DEP the following items by 5:00 p.m. on June 7, 1999:

1. Signed agreements with a Licensed Site Professional and an environmental clean-up contractor experienced in conducting response actions under M.G.L. c. 21E to perform the Response Actions,
2. A strict timetable for conducting the Response Actions,
3. Proof of payment of outstanding response action costs and annual compliance fees owed to the Department, and
4. Assurance that you have sufficient financial resources to timely complete the Response Actions.

Pursuant to 310 CMR 40.0167, DEP hereby establishes June 7, 1999 as an Interim Deadline by which you must respond in writing whether or not you intend to take the Response Actions.

**LIABILITY AND TREBLE DAMAGES**

DEP continues to consider you potentially liable under M.G.L. c. 21E for up to three (3) times all response action costs incurred by DEP related to the site, and for damages to natural resources. If you fail to voluntarily take the Response Actions, the Commonwealth has authority to place a lien on all your property within the Commonwealth to secure its response action costs. The Commonwealth, through the Attorney General, may foreclose on any such lien or bring legal action against you to recover the its response action costs. DEP and the Attorney General may also pursue other legal action under M.G.L. c. 21E and M.G.L. c. 21A Section 16 for violations of Chapter 21E and other laws, regulations, orders or approvals.

If you cannot perform the Response Actions, you must submit a notice of financial, technical, or legal inability as described in 310 CMR 40.0172 to secure yourself with a defense to treble damages. Even if you have a defense to treble damages, you will still be obligated to complete response actions that you are able to perform and continue to be liable for costs and damages.

**MIDDLETON/American Glue and Resin**  
**Notice of Response Action**  
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If you have any questions regarding this notice, please contact Stephen Roberson at the letterhead address or telephoning (978) 661-7717. All future communications regarding this release should reference the Release Tracking Number 3-0168.

Sincerely,



for Richard J. Chalpin  
Regional Engineer  
Bureau of Waste Site Cleanup

cc: Mr. Leo Cormier, Health Agent, Board of Health, Town of Middleton, 195 N.  
Main Street, Middleton, MA 01949  
Ms. Nancy Jones, Chairman, Board of Selectman, Town of Middleton, 48 S. Main Street,  
Middleton, MA 01949  
Ms. Cheryl Auterio, P.O. Box 202, North Reading, MA 01864  
Mr. Kenneth LeColst, 42 School Street, Middleton, MA 01949  
Mr. Gilberto Irizarry, OSC, United States Environmental Protection Agency, Site  
Evaluation & Response Section I (HBR), JFK Federal Building, Boston, MA  
02203-2211  
Ms. Tina Hennessey, EC, United States Environmental Protection Agency, Site  
Evaluation & Response Section I (HBR), JFK Federal Building, Boston, MA  
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Kathleen Woodward, Enforcement Counsel, United States Environmental Protection  
Agency, Office of Environmental Stewardship (SES), JFK Federal Building,  
Boston, MA 02203-2211  
DEP, BWSC, FMCRA, 1 Winter Street, Boston, MA 02108  
DEP, Office of Enforcement, 1 Winter Street, Boston, MA 02108  
Data Entry/File